

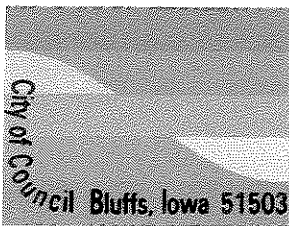
CITY CLERK
(712) 328-4616

AGENDA

**CITY COUNCIL STUDY SESSION
COUNCIL CHAMBERS
MONDAY, NOVEMBER 10, 2008
3:45 P.M.**

- A. Discussion of outdoor smoking areas for liquor licensed establishments
- B. Discussion of scrap metal ordinance
- C. Discussion of tow contract proposal language
- D. Review of Agenda





COUNCIL AGENDA, CITY OF COUNCIL BLUFFS, IOWA
REGULAR MEETING NOVEMBER 10, 2008 7:00 P.M.
COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL
209 PEARL STREET

OFFICE OF:
CITY CLERK
(712) 328-4616

AGENDA

1. PLEDGE OF ALLEGIANCE

2. CALL TO ORDER

3. CONSENT AGENDA

- A. Approval of agenda and tape recording of this proceeding be incorporated into official minutes
- B. Reading, correction and approval of minutes of the October 27, 2008 regular Council meeting

4. PUBLIC HEARINGS:

- A. Ordinance 6014, amending the zoning map of the City of Council Bluffs by changing the district designation of certain grounds, premises and property located south of First Avenue between South 24th and South 25th Streets from its present designation as R-3/Low Density Multi-Family Residential to C-2/Commercial
- B. Ordinance 6015, amending the zoning map of the City of Council Bluffs by changing the district designation of property located at 1436 North 15th Street from its present designation as C-2/Commercial to I-2/General Industrial
- C. Resolution 08-334, approving the plans, specification, form of contract and cost estimate for the Kaneshville Pedestrian Bridge Rehabilitation
- D. Resolution 08-335, authorizing the disposal of certain City property by granting a twenty foot wide easement to Southwest Iowa Renewable Energy for the placement of a natural gas pipeline
- E. Resolution 08-336, approving debt certification forms, appropriating funds and directing filing of the certifications to the County Auditor for the Manawa Business Park Urban Renewal Area
- F. Resolution 08-337, approving debt certification forms, appropriating funds and directing filing of the certifications to the County Auditor for the Bennett Avenue Urban Renewal Area
- G. Resolution 08-338, approving debt certification forms, appropriating funds and directing filing of the certifications to the County Auditor for the Hawkeye Heights Urban Renewal Area
- H. Resolution 08-339, approving debt certification forms, approving an advance of funds for repayment, appropriating funds, and directing filing of the certifications to the County Auditor for the Mid-America Urban Renewal Area under Iowa Code Section 403.19
- I. Resolution 08-340, approving the debt certification forms and directing filing of the certifications to the County Auditor for the South Main Urban Renewal Area
- J. Resolution 08-341, approving the debt certification forms and directing filing of the certifications to the County Auditor for the Marketplace Urban Renewal Area



5 RESOLUTIONS:

- A. Resolution 08-342, certifying the 2008 water, sewer, and refuse collection lien schedule for nonpayment of residential refuse collection charges, nonpayment of sewer rental fees, and the nonpayment of water fees
- B. Resolution 08-343, approving the 2009 calendar year budget as adopted by the Board of Water Works Trustees, and authorizing the City Clerk to file the budget with the Pottawattamie County Auditor
- C. Resolution 08-344, accepting the work of Jahnke and Sons Inc., WHP Training Towers in connection with the Regional Fire Training Facility building and authorizing the Finance Director to issue a check in the amount of \$20,900.00
- D. Resolution 08-345, authorizing the Mayor and City Clerk to execute an agreement with HGM & Associates for engineering services in connection with the Broadway Streetscape Phase II
- E. Resolution 08-346, authorizing the Mayor and City Clerk to execute an agreement with Mains N' More, Inc., for the rehabilitation of sanitary sewer and services at 247, 263, 301, 311, 321, and 335 Kenmore Avenue
- F. Resolution 08-347, authorizing the Mayor to execute an agreement with Fox Engineering for engineering services for the Wastewater Disinfection project in accordance with directions mandated by the Iowa Department of Natural Resources
- G. Resolution 08-348, approving the dates in 2009 for City Council meetings

6 RECEIVE AND FILE ITEMS:

- A. Five (5) Notices of Claim/Loss

7. APPLICATIONS FOR PERMITS AND CANCELLATIONS:

- A. Application for renewal of liquor license:
 - 1) Broadway Joe's, 3400 W Broadway
 - 2) Glass Front, 1510 S. 6th Street
 - 3) Goldmine Bar & Grill, 1601 S 3rd Street
 - 4) Inn Between Lounge, 2700 2nd Avenue
 - 5) Kwik Shop, 3632 Avenue G
- B. Application for Iowa retail cigarette/tobacco permit:
 - 1) Darrah's Total, Inc., 3607 9th Avenue
 - 2) Larosita LLC, 2040 West Broadway

8. CITIZENS REQUEST TO BE HEARD:

9. ADJOURNMENT

RECORD OF PROCEEDINGS

CALL TO ORDER	A regular meeting of the Council Bluffs City Council was called to order by Honorable Mayor, Thomas P. Hanafan, on Monday, October 27, 2008 at 7:00 p.m.
ATTENDANCE	Council Members present: Darren Bates, Scott Belt, Lynne Branigan, Matt Schultz and Matt Walsh. Staff present: Richard Wade, City Attorney and Marcia L. Worden, Deputy City Clerk.
CONSENT AGENDA	Walsh and Belt moved and seconded approving the consent agenda. Unanimous.
PUBLIC HEARINGS Resolution 08-320	Held Public Hearing regarding Resolution 08-320, approving Capital Lease Payments for Fiscal Year 2008 – 2009 and appropriating funds. Belt and Walsh moved and seconded the approval of Resolution 08-320. Unanimous.
Resolution 08-321	Held Public Hearing regarding Resolution 08-321, approving Debt Certification Forms, Appropriating Funds and Directing Filing of Certifications to the County Auditor for the Bart's Motel Urban Renewal Area. Belt and Branigan moved and seconded approval of Resolution 08-321. Unanimous.
Resolution 08-322	Held Public Hearing regarding Resolution 08-322, approving Debt Certification Forms, Appropriating Funds and Directing Filing of Certifications to the County Auditor for the Madison-Lindberg Urban Renewal Area. Walsh and Belt moved and seconded approval of Resolution 08-322. Unanimous.
Resolution 08-323	Held Public Hearing regarding Resolution 08-323, approving Debt Certification Forms, Approving an Advance of Funds, Appropriating Funds, and Directing Filing of Certifications to the County Auditor for the West Broadway Urban Renewal Area. Branigan and Belt moved and seconded approval of Resolution 08-323. Unanimous.
Resolution 08-324	Held Public Hearing regarding Resolution 08-324, approving Debt Certification Forms, approving an Advance of Funds, Appropriating Funds, and Directing Filing of the Certifications to the County Auditor for the Metro Crossing Urban Renewal Area. Belt and Branigan moved and seconded approval of Resolution 08-324. Unanimous.
Resolution 08-325	Held Public Hearing regarding Resolution 08-325, approving Debt Certification Forms, Appropriating Funds and Directing Filing of the Certifications to the County Auditor for the Featherstone 1997 Urban Renewal Area. Belt and Bates moved and seconded approval of Resolution 08-325. Unanimous.
ORDINANCE ON FIRST READING Ordinance 6014	Walsh and Branigan moved and seconded approval of Ordinance 6014, amending the zoning map as adopted by reference in Section 15.02.040, by changing the district designation of certain grounds, premises and property located south of First Avenue between South 24 th and South 25 th Streets, from its present designation as R-3/Low Density Multi-Family Residential to C-2/ Commercial, as set forth and defined in Chapters 15.10 and 15.15 and setting a Public Hearing for November 10, 2008 at 7:00 p.m. Belt requested a list of covenants assigned to the property and further comments from staff. Unanimous.

RECORD OF PROCEEDINGS

RESOLUTIONS

Resolution 08-203	Belt and Bates moved and seconded postponement of Resolution 08-203 until November 24, 2008 at 7:00 p.m., regarding the vacation and disposal of 24 th Avenue right-of-way between South 18 th and South 19 th Streets and abutting Lot 6, Wyatt 2 nd Subdivision and abutting Blocks 21 and 36, Railroad Addition. Frank Ruiz, 2404 South 18 th Street, spoke regarding the issue. Unanimous.
Resolution 08-312	Belt and Bates moved and seconded approval of Resolution 08-312, authorizing a joint application to the Iowa Department of Economic Development by the Council Bluffs Enterprise Zone Commission and BP Quality Homes, LLC for Enterprise Zone benefits. Voice Vote: 4 Aye, 1 Nay (Branigan).
Resolution 08-326	Walsh and Bates moved and seconded approval of Resolution 08-326, granting preliminary plan approval for a three-lot subdivision to be known as Orchard Village. The following spoke regarding the issue, Karla Lemaster with Dial Land Purchasing, 11506 Nicholas Street, Omaha. Bates moved to receive and file map distributed by Ms. Lemaster, seconded by Walsh. Unanimous. Deborah Petersen, 215 South Main Street, representing the property owner. Walsh and Bates moved and seconded an amendment changing the grading slope to 3-1 and to limit the access roads to State Orchard Road and Greenview Road. Marie Larchick, 125 Glen Oaks Drive; Larry Hagwood, 9749 South 175 th Circle; Glenn Smith, 615 Redwood Drive; Tyler O'Brien, 729 Redwood Drive; and Roger Harvey, 20914 Greenview Road. Voice Vote: 3 Aye, 2 Nay (Branigan, Schultz). Vote on original motion as amended. 4 Aye, 1 Nay (Branigan).
Resolution 08-327	Belt and Bates moved and seconded approval of Resolution 08-327, approving a Planned Residential Development Plan for Orchard Village Subdivision. Voice Vote: 4 Aye, 1 Nay (Branigan).
Resolution 08-328	Belt and Branigan moved and seconded approval of Resolution 08-328, authorizing the Mayor to execute a Letter of Intent to the City Finance Committee in regards to a state-wide Internet Reporting System. Unanimous.
Resolution 08-329	Branigan and Bates moved and seconded approval of Resolution 08-329, authorizing the Mayor to submit a US EPA Brownfields Cleanup Grant for 1001 South 6 th Street for the South Main Area. Unanimous.
Resolution 08-330	Walsh and Belt moved and seconded approval of Resolution 08-330, accepting the Assignment of Mortgage from Artspace Projects, Inc., in the amount of \$456,000 and authorizing the Mayor to execute all related documents. Unanimous.
Resolution 08-331	Belt and Branigan moved and seconded approval of Resolution 08-331, intent to dispose of certain City property by granting a twenty foot wide easement to Southwest Iowa Renewable Energy for the placement of a natural gas pipeline and setting a Public Hearing for November 10, 2008 at 7:00 p.m. Unanimous.
Resolution 08-332	Branigan and Walsh moved and seconded approval of Resolution 08-332, authorizing the Mayor to sign an Agreement of Friendship between the City of Council Bluffs, Iowa, and the province of Karadah, Baghdad, Iraq. Unanimous.

RECORD OF PROCEEDINGS

Resolution 08-333

Walsh and Bates moved and seconded approval of Resolution 08-333, authorizing and directing the Mayor and City Clerk to execute an agreement with Genus (Land Architect) P.C. for professional services related to the design, engineering and bidding elements for the Big Lake Park Rehabilitation Phase I Project. Unanimous.

MAYOR'S APPOINTMENTS

Belt and Walsh moved and seconded approval of Mayor's Appointments 7A & B. 7A. Reappoint John McDonald, to the Board of Electrical Examiners, with the term ending September 1, 2012. 7B. Reappoint Bud Warren, to the Board of Mechanical Appeals, with the term ending September 23, 2011. Unanimous.

RECEIVE & FILE ITEMS

Belt and Walsh moved and seconded approval of Receive and File Items 8A thru 8C: 8A. One Notice of Claim, Aquila; 8B. Cash Balance Statement, September 30, 2008; 8C. List of Bills, September 30, 2008. Unanimous.

APPLICATIONS FOR PERMITS & CANCELLATIONS

Belt and Bates moved and seconded approval of Items 9A thru 9C. 9A. Special Event Permit Application for the Veteran's Day Parade, American Legion Post #2, on November 8, 2008 at 11:00 a.m. 9B. (1-3) Applications for Liquor License Renewal Permits: 9B1. Bluffs Elks Lodge, 380 McKenzie Avenue; 9B2. Breakaway Bar & Grill, 1503 Avenue C; 9B3. Iowa Western Community College, 2700 College Road; 9C. (1&2) Applications for "New" Liquor License Applications: 9C1. Bertha's Bar & Grill, 1322 North 16th Street; 9C2. Kitchen Emporium & Wine, 1751 Madison Avenue, Space 50. Unanimous.

Council Member Belt congratulated all four high schools for making it to the 1st round playoffs; encouraged everyone to vote on November 4th and to have a safe and Happy Halloween.

Mayor Hanafan discussed sending a letter to the Board of Supervisors regarding the needed repair of State Orchard Road. Council Member Walsh concurred along with Council Member Branigan who encouraged citizens to contact the Board of Supervisors.

Walsh thanked Board of Supervisors Candidate, Dean Fischer for attending the City Council meeting.

ADJOURNMENT

Belt and Branigan moved and seconded adjournment at 8:07 p.m. Unanimous.

The tape recording of this proceeding, though not transcribed, is part of the record of each respective action of the Council. The tape recording of this proceeding is incorporated into these official minutes of this Council meeting as if they were transcribed herein.

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, Deputy City Clerk

Council Communication

<p>Department: Community Development Case No. ZC-08-012 Applicant: Broadway Ventures, LLC C/o Seldin Company</p>	<p>Ordinance No. <u>6014</u></p>	<p>City Council Meeting: 10/27/08 First Reading <u>10/27/2008</u> Second Reading <u>11/10/2008</u> Third Reading _____</p>
Subject/Title		
<p>Request of Broadway Ventures, LLC, c/o Seldin Company, Attn: Randy Lenhoff, 13057 West Center Road, Omaha, NE 68144, represented by Deborah L. Petersen, 215 South Main Street, PO Box 893, Council Bluffs, IA 51502-0893 to rezone Lots 1 through 23, Block 4, Wright's Addition from R-3/Low Density Multi-family Residential to C-2 Commercial. This property is located south of First Avenue between South 24th and South 25th Streets.</p>		
Background/Discussion		
<p>The above described property was originally zoned I-1/Light Industrial and was part of the Omaha Standard campus. The Community Development Department proposed rezoning the property to allow redevelopment of the area after Omaha Standard moved their facilities to Nebraska Avenue. The rezoning became effective upon acquisition by Pottawattamie County Investment Corporation (PCDC) in December, 2005.</p> <p>Broadway Ventures, LLC, legal option holder, is requesting rezoning from R-3/Low Density Multi-Family Residential to C-2 Commercial in order to develop a mixed commercial/retail/professional office center. A conceptual layout of the subject property and the area to the north is attached.</p> <p>This property is currently vacant. The block to the north is zoned C-2 and is to be developed with grocery and banking facilities. Thomas Jefferson High School, also zoned C-2, is located to the west. Property to the south and east is zoned R-3 and is developed with residential structures.</p> <p>Judy Finney, 2438 – 2nd Avenue, requested additional information and stated she would be opposed to a quick-stop type facility.</p> <p>No adverse comments have been received from any City department or utility.</p>		
Recommendation		
<p>The Community Development Department recommends rezoning Lots 1 through 23, Block 4, Wright's Addition from R-3/Low Density Multi-family Residential to C-2 Commercial to allow the development of a commercial/retail/professional office center.</p>		
Public Hearing		
<p>Deb Petersen, 215 S. Main St., Council Bluffs, IA, representing the applicant, appeared before the Planning Commission in favor of the request.</p> <p>No one appeared in opposition.</p>		
Planning Commission to City Council		
<p>The Planning Commission recommends rezoning Lots 1 through 23, Block 4, Wright's Addition from R-3/Low Density Multi-family Residential to C-2 Commercial.</p>		
<p>VOTE: Aye <u>11</u> Nay <u>0</u> Abstain <u>0</u> Absent <u>0</u> Motion <u>Carried</u></p> <p style="text-align: center; margin-top: 10px;">4A</p>		

WEST BROADWAY

SOUTH 25TH STREET

SOUTH 23RD STREET

REQUESTED REZONING
FROM R-3 TO C-2

FIRST AVENUE

SOUTH 24TH STREET

SECOND AVENUE

CASE #ZC-08-012



Prepared by: City of Council Bluffs Legal Department, 209 Pearl Street, Council Bluffs, IA 51503 (712) 328-4620
Return to: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503

ORDINANCE NO. 6014

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.02.040 OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY CHANGING THE DISTRICT DESIGNATION OF CERTAIN GROUNDS, PREMISES AND PROPERTY LOCATED SOUTH OF FIRST AVENUE BETWEEN SOUTH 24TH AND SOUTH 25TH STREETS, IN COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, FROM ITS PRESENT DESIGNATION AS R-3/ LOW DENSITY MULTI-FAMILY FAMILY RESIDENTIAL TO C-2/COMMERCIAL, AS SET FORTH AND DEFINED IN CHAPTERS 15.10 AND 15.15 OF THE MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.040 of the Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended by changing the district designation of certain grounds, property and premises located south of First Avenue between South 24th and South 25th Streets, as shown on the Attachments, and legally described as follows:

Lots 1 through 23, Block 4, Wright's Addition, Council Bluffs, Pottawattamie County, Iowa,

from its present designation as R-3/Low Density Multi-Family Residential to C-2/Commercial as set forth and defined in Chapters 15.10 and 15.15 of Title 15 "Zoning" of the 2005 Municipal Code of Council Bluffs, Iowa.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. Effective Date. This ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.

PASSED
AND
APPROVED _____

THOMAS P. HANAFAN

Mayor

Attest:

JUDITH RIDGELEY

City Clerk

FIRST CONSIDERATION: October 27, 2008
SECOND CONSIDERATION: November 10, 2008
PUBLIC HEARING: November 10, 2008
THIRD CONSIDERATION: _____

Planning Case No. ZC-08-012

DEBORAH L. PETERSEN, P.L.C.

ATTORNEY AT LAW
215 SOUTH MAIN STREET
P.O. Box 893
COUNCIL BLUFFS IA 51502-0893
(712) 328-8808
FAX: (712) 328-3303

October 28, 2008

City Clerk
City of Council Bluffs Iowa
City Hall, 209 Pearl Street
Council Bluffs, IA 51503

HAND DELIVERED

Re: Broadway Ventures, L.L.C. - Rezoning
Our File No. 142.36

Dear Clerk:

Enclosed is a copy of the Deed received by Broadway Ventures, L.L.C. when it acquired the property they are seeking to rezone between 24th & 25th Streets, just south of the tracks near Broadway. At the Council meeting on October 27, 2008, Councilman Belt requested a copy of the "covenants" for this property. They are actually use restrictions which are contained in Exhibit "A" to the Deed.

Please include a copy of this Deed in the Council's packet for the November 10, 2008, meeting as this matter is set for public hearing at that time. Thank you for your attention to this matter. If you should have any questions, please give me a call.

Sincerely,



DEBORAH L. PETERSEN, P.L.C.

DLP:blm

cc: Broadway Ventures, L.L.C., Attn: Marilyn Watson

Jack E. Ruesch
Warranty Deed
(Corporate/Business Entity Grantor)

For the consideration of 1.00 Dollar(s) and other valuable consideration, Pottawattamie County Development Corporation, a non-profit corporation organized and existing under the laws of Iowa does hereby Convey to Broadway Ventures, LLC a Nebraska limited liability company the following described real estate in Pottawattamie County, Iowa:

Lots 1 - 23, inclusive, Block 4, Wrights Addition, Council Bluffs, Pottawattamie County, Iowa


The conveyance of this property is subject to the use restrictions set forth in Exhibit A attached hereto, which restrictions grantee hereby accepts and which shall be binding upon its heirs, successors and assigns and which shall run with the land. The use restrictions may be enforced by grantor, the City of Council Bluffs, or their respective assigns. This conveyance is further subject to all covenants, restrictions, and easements of record.

The grantor hereby covenants with grantees, and successors in interest, that it holds the real estate by title in fee simple; that it has good and lawful authority to sell and convey the real estate; that the real estate is free and clear of all liens and encumbrances, except as may be above stated; and it covenants to Warrant and Defend the real estate against the lawful claims of all persons, except as may be above stated.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, according to the context.

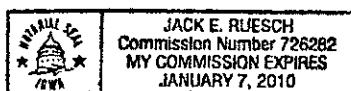
Dated: October 9, 2008

Pottawattamie County Development Corporation, a(n) non-profit corporation

By 
A. W. Tauke, President

STATE OF IOWA, COUNTY OF POTTAWATTAMIE

This instrument was acknowledged before me on 10/9/08,
by A. W. Tauke as President of Pottawattamie County Development Corporation.



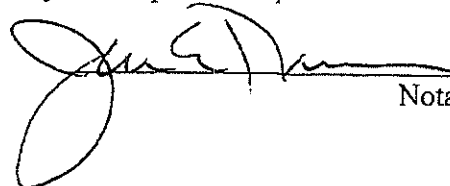

Notary Public

EXHIBIT A - USE RESTRICTIONS

The Property shall be used only for administrative, professional and general commercial purposes as presently defined in Chapters 15.13 through 15.16 of the Municipal Code of the city of Council Bluffs, Iowa. Provided however, at no time shall any of the property be used for adult entertainment activities or as a massage establishment (except therapeutic massage in conjunction with a beauty salon) as those terms are now or hereafter may be defined by the Municipal Code of the City of Council Bluffs, Iowa. Provided further, none of said property shall be used for any of the following purposes, as those items are now defined by the Municipal Code of the City of Council Bluffs, Iowa:

Automobile service stations including auto repair, cigar stores, commercial amusements, drive-in fast food, pawn shops, taverns, radiator or repair shops, adult bookstores, adult mini motion picture theaters and adult motion picture theaters, massage establishments, (except therapeutic massage in conjunction with a beauty salon) artist-body painting studios, modeling studios, blood plasma or platelet centers, automobile painting and upholstering businesses, second hand stores, buildings used for the storage of household goods and wares or living quarters for watchmen or security guards of commercial properties, establishments for custom manufacturing of goods or merchandise or tire shops, communication towers (except any now existing communications tower), salvage yards (including recycling centers), used car sales, billboards, check cashing stores, garages for the installation of car stereos except in conjunction with a stereo or electronic store, train related industries or dollar stores. "Dollar Store" as used herein shall be defined as the retail sale of merchandise at a single value price point. "Check Cashing Store" shall not mean a bank or credit union.

Council Communication

Department: Community Development Case No. ZC-08-011 Applicant: Gary Golden	Ordinance No. <u>6015</u>	City Council Meeting: 10-27-08 First Reading _____ Second Reading _____ Third Reading _____
Subject/Title Request of Gary G. Golden, 15323 Kathy Circle, Council Bluffs, IA 51503, represented by Michael J. Winter, 541 – 6 th Avenue, Council Bluffs, IA 51503 to rezone 1436 North 15 th Street, legally described as Lots 134 through 138, Belmont Addition, from C-2 Commercial to I-2/General Industrial. This property is located at the southeast corner of North 15 th Street and Avenue 'N'.		
Background/Discussion <p>Gary Golden, property owner, is requesting the rezoning of the above described property from C-2 Commercial to I-2/General Industrial in order to allow a truck scale repair service. This service consists of five heavy-duty trucks (see attached picture) being dispatched to different locations to service and repair truck scales. The applicant has indicated that three of the five trucks would be parked inside the existing structure and two would be parked outside.</p> <p>The subject property is zoned C-2 and contains an vacant commercial structure. The property has been classified C-2 since 1965. Hawkeye Siding and Window, zoned C-2, is located to the north. A commercial use (consignment shop), residential uses and the League of Human Dignity, all zoned C-2, surround the property on the west and south. The New Vision emergency shelter, zoned I-2 lies to the west.</p> <p>Judy Reed, property owner of the commercial use directly to the west at 1317 North 16th Street is opposed to the requested rezoning.</p> <p>The Public Works Department is opposed to the requested rezoning citing the condition of adjacent streets. Adjacent streets have not been built to handle heavy truck traffic and are not truck routes to service industrial uses. In addition, a future industrial use may require restrictions on output flows to utilize the existing sanitary collection system.</p> Discussion <p>The applicant constructed the existing commercial building under the terms of the C-2 Commercial District, not an industrial district. The streets, storm drainage and sanitary sewer around this property are not sufficient for the proposed use or other uses allowed in the I-2/General Industrial District.</p> <p>Although the area is in need of reinvestment; the area is not well suited for industrial development. Granting the request would increase the conflicting nature of land uses in the area furthering disinvestment over time.</p> <p>The City has adequate areas zoned and services for the uses allowed in the I-2 district</p>		

Recommendation

The Community Development Department recommends denial of the request to rezone Lots 134 through 138, Belmont Addition, from C-2 Commercial to I-2/General Industrial for the reasons stated above.

Public Hearing

Mike Winter, 541 – 6th Ave., Council Bluffs, IA, representing the applicant, appeared before the Planning Commission in favor of the request.

No one appeared in opposition.

Planning Commission to City Council

The Planning Commission concurred with Community Development Department to recommend denial of the request to rezone Lots 134 through 138, Belmont Addition from C-2/Commercial to I-2/General Industrial for the reasons identified in the staff report.

VOTE: Aye 8 Nay 3 Abstain 0 Absent 0 Motion Carried

Prepared by: City of Council Bluffs Legal Department, 209 Pearl Street, Council Bluffs, IA 51503 (712) 328-4620
Return to: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503

ORDINANCE NO. 6015

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.02.040 OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY CHANGING THE DISTRICT DESIGNATION OF 1436 NORTH 15TH STREET, COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, FROM ITS PRESENT DESIGNATION AS C-2/COMMERCIAL TO I-2/GENERAL INDUSTRIAL, AS SET FORTH AND DEFINED IN CHAPTERS 15.15 AND 15.21 OF THE MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.040 of the Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended by changing the district designation of certain grounds, property and premises located at 1436 North 15th Street, and legally described as follows:

Lots 134 through 138, Belmont Addition, Council Bluffs, Pottawattamie County, Iowa, from its present designation as C-2/Commercial to I-2/General Industrial, as set forth and defined in Chapters 15.15 and 15.21 of Title 15 "Zoning" of the 2005 Municipal Code of Council Bluffs, Iowa.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. Effective Date. This ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.

PASSED
AND _____, 2008
APPROVED

THOMAS P. HANAFAN Mayor

Attest: _____
JUDITH RIDGELEY City Clerk

FIRST CONSIDERATION: _____
SECOND CONSIDERATION: _____
PUBLIC HEARING: _____
THIRD CONSIDERATION: _____

Planning Case No. ZC-08-011

COUNCIL COMMUNICATION

Department: Public Works
Case/Project No.: FY07-11
Applicant _____

Ordinance No. _____
Resolution No. 08-334

Date: November 10, 2008

SUBJECT/TITLE

After the Public Hearing council consideration of a resolution approving the plans and specifications and authorizing the City Clerk to advertise for bids setting January 15, 2009, at 10:00 a.m. as the date and time for the bid opening for Kanesville Pedestrian Bridge Rehabilitation.

BACKGROUND/DISCUSSION

- The pedestrian bridge over Kanesville was constructed in 1972.
- The bridge received its first major maintenance in 1993 which dealt with severe rusting in the edges of the steel plate deck.
- In March, 2005, Public Works hired a consultant to evaluate the structural condition.
- Findings of the 2005 evaluation were severe rusting in the flat portion of the floor deck in the outside steel plates and the angle support stringers.
- Recommendations of the 2005 evaluation were for removal and replacement of the entire flat portion of floor, sandblasting, and painting of structural members and installation of a drain system to prevent moisture collection and severe rusting in the future.
- The repairs and beautification are scheduled for construction in summer to coincide with school summer break 2009.
- The project is FY07-11 in the CIP and has a budget of \$150,000 in general obligation bonds for repairs. Iowa West Foundation will fund beautification work in the amount of \$150,000.
- The Iowa West Foundation funded aesthetics include: Double railing on approach spans, the existing "cage" fencing located over the roadway will be removed and replaced with black vertical wire fence panels and all portions of the bridge are recommended to be painted.
- Project schedule provides for Public Hearing on November 10, 2008; Letting, January 15, 2009, and contract award January 16, 2009.

RECOMMENDATION

Approval of this resolution.



4 C

RESOLUTION
NO. 08-334

**RESOLUTION APPROVING THE PLANS, SPECIFICATION,
FORM OF CONTRACT AND COST ESTIMATE FOR THE
KANESVILLE PEDESTRIAN BRIDGE REHABILITATION
FY07-11**

WHEREAS, the plans, specification, form of contract and cost estimate
are on file in the office of the City Clerk of the City of
Council Bluffs, Iowa for the Kaneshville Pedestrian Bridge
Rehabilitation; and

WHEREAS, A Notice of Public Hearing was published as required
by law, and a public hearing was held on November 10, 2008.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the plans, specifications, form of contract and cost estimate are hereby approved for
the Kaneshville Pedestrian Bridge Rehabilitation and the City Clerk is hereby authorized
to advertise for bids for said project.

ADOPTED
AND
APPROVED November 10, 2008

Thomas P. Hanafan, Mayor

ATTEST:

Judith Ridgeley, City Clerk

Council Communication

Department: Legal	Ordinance No.	Date: <u>November 10, 2008</u>
Case/Project No.	Resolution No. <u>08-335</u>	
Applicant		
SUBJECT/TITLE		
A resolution to dispose of a 20-foot wide easement to Southwest Iowa Renewable Energy (SIRE) for the placement of a natural gas pipeline in a newly acquired utility corridor established by the City of Council Bluffs.		
BACKGROUND		
The City recently acquired a utility corridor to provide services to property on the eastern side of Interstate 29. SIRE cooperated in this effort by granting easements across its property to the City at no cost. SIRE requested that when we acquired property and easements on the eastern side of the interstate that we acquire sufficient property interests to accommodate their need to have a gas pipeline installed in the same general area, with the understanding that SIRE would reimburse the City for any costs associated with the additional property needs. This cost is \$14,280, and SIRE has agreed to pay this amount as the consideration for the granting of this easement.		
Recommendation		
It is my recommendation that this resolution be approved.		

Richard Wade

Department Head Signature



Mayor Signature

40

PREPARED BY: City Legal Department, 209 Pearl Street, Council Bluffs, IA 51503
RETURN TO: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503

RESOLUTION NO. 08-335

A RESOLUTION AUTHORIZING THE DISPOSAL OF CERTAIN CITY PROPERTY BY GRANTING A TWENTY FOOT WIDE EASEMENT TO SOUTHWEST IOWA RENEWABLE ENERGY FOR THE PLACEMENT OF A NATURAL GAS PIPELINE.

WHEREAS, Resolution 08-331 expressed the City's intent to dispose of certain city property by granting an easement to Southwest Iowa Renewable Energy for the placement of a natural gas pipeline in the newly acquired utility corridor; and

WHEREAS, consideration for said easement is \$14,280.

NOW, THEREFORE, BE IT RESOLVED

BY THE CITY COUNCIL

OF THE

CITY OF COUNCIL BLUFFS, IOWA

That following public hearing on this matter, the Mayor is hereby authorized and directed to execute said easement document between the City and Southwest Iowa Renewable Energy for this twenty foot wide easement.

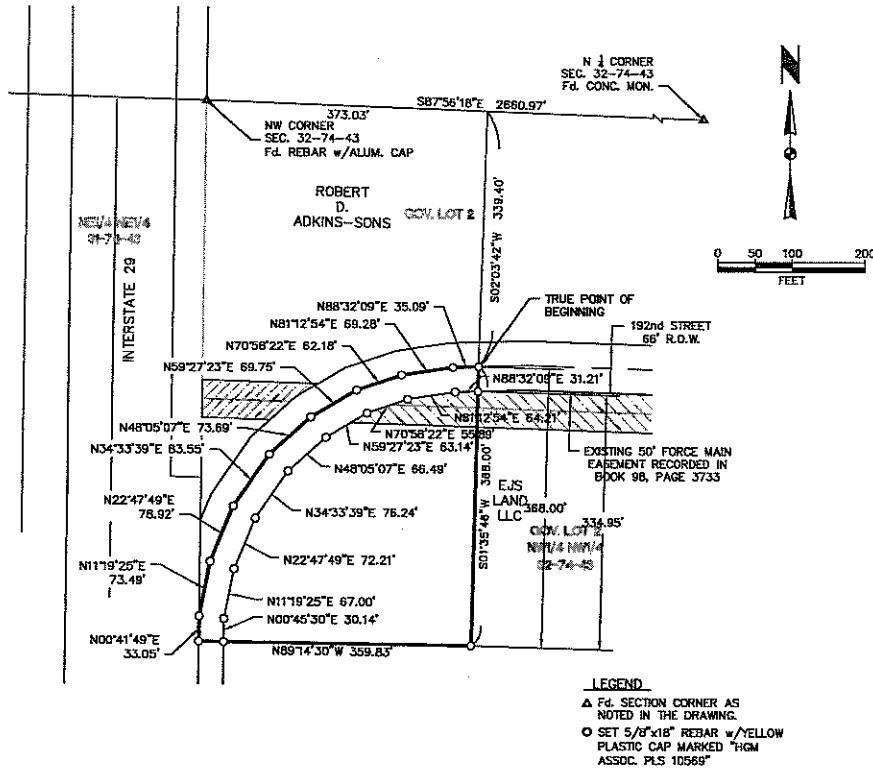
ADOPTED
AND
APPROVED November 10, 2008

Thomas P. Hanafan, Mayor

ATTEST: _____
Judith Ridgeley, City Clerk

EXHIBIT "A" ACQUISITION PLAT

ACQUIRED FROM EJS LAND LLC



CONTRACT DATED _____

CONSIDERATION \$ _____

SECTION 32 TOWNSHIP 74 NORTH RANGE 43 WEST

TEMPORARY EASEMENT 0 ACRES ACQUIRED BY _____

LAND ACQUISITION 2.419 ACRES

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF GOVERNMENT LOT 2 IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 74 NORTH, RANGE 43 WEST OF THE 5th PRINCIPAL MERIDIAN, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 32; THENCE ALONG THE NORTH LINE OF SAID SECTION 32, SOUTH 87 DEGREES 56 MINUTES 18 SECONDS EAST, 373.03 FEET; THENCE SOUTH 02 DEGREES 03 MINUTES 42 SECONDS WEST, 339.40 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 01 DEGREE 35 MINUTES 46 SECONDS WEST, 368.00 FEET; THENCE NORTH 89 DEGREES 14 MINUTES 30 SECONDS WEST, 359.83 FEET TO A POINT ON THE WEST LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER, SAID POINT ALSO BEING ON THE CENTERLINE OF 192nd STREET; THENCE ALONG SAID CENTERLINE THE FOLLOWING 9 COURSES: 1) NORTH 00 DEGREES 41 MINUTES 49 SECONDS EAST, 33.05 FEET; 2) NORTH 11 DEGREES 19 MINUTES 25 SECONDS EAST, 73.49 FEET; 3) NORTH 22 DEGREES 47 MINUTES 49 SECONDS EAST, 78.92 FEET; 4) NORTH 34 DEGREES 33 MINUTES 39 SECONDS EAST, 83.55 FEET; 5) NORTH 48 DEGREES 05 MINUTES 07 SECONDS EAST, 73.69 FEET; 6) NORTH 59 DEGREES 27 MINUTES 23 SECONDS EAST, 69.75 FEET; 7) NORTH 70 DEGREES 58 MINUTES 22 SECONDS EAST, 62.18 FEET; 8) NORTH 81 DEGREES 12 MINUTES 54 SECONDS EAST, 69.28 FEET; 9) NORTH 88 DEGREES 32 MINUTES 09 SECONDS EAST, 35.09 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 2.419 ACRES (MORE OR LESS) INCLUDING 0.419 ACRE (MORE OR LESS) OF 192nd STREET RIGHT-OF-WAY.

	I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.	
	<u>Melvin G. Samples</u>	<u>5-27-09</u>
	MELVIN G. SAMPLES	DATE
	License Number <u>10569</u> My license renewal date is December 31, <u>2008</u>	
Pages or sheets covered by this seal: <u>SHEET 1 OF 1</u>		

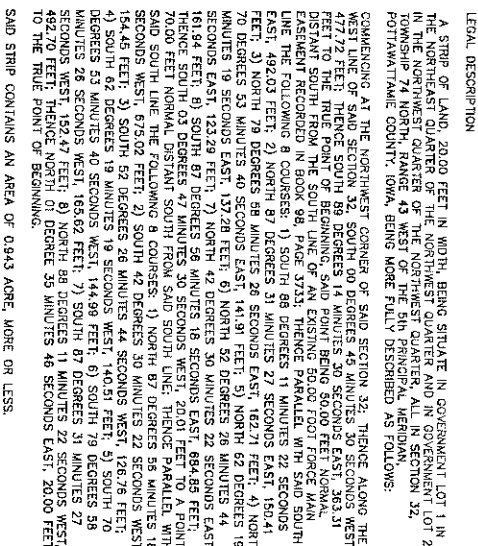
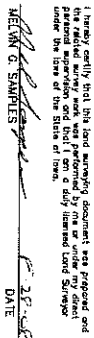


EXHIBIT B



Council Communication
November 10, 2008 City Council Meeting

Department: Finance	Ordinance No. Resolution No. <u>08-336</u>	Date: <u>November 10, 2008</u>
Subject/Title		
Authorizations for the Certification of Debt, Appropriating Funds, and directing the filing of the certification report with the County for the Manawa Business Park Urban Renewal Area.		
Background/Discussion		
<p><u>Background</u></p> <p>According to Iowa Code Section 403.19, a City shall certify to the County Auditor on or before December 1, the amount of loans, indebtedness, or bonds which qualify for payment from a Tax Increment Financing (TIF) district for each established urban renewal area. This certification provides for the division of taxes collected attributable to specific projects.</p> <p><u>Discussion</u></p> <p>The Manawa Business Park Urban Renewal Area was established by Resolution 01-316 on December 17, 2001 and the TIF district was established by Ordinance 5662 on December 17, 2001. A development agreement was signed with Kansas City Life on December 21, 2001 then with the Council Bluffs Industrial Foundation on May 7, 2007. The agreement provided for a 100% rebate of the total tax increment attributable to the Property at 0% interest for the first five years, then 60% over the remaining five year term of the agreement. The rebate would be paid only from tax incremental revenue collected from this urban renewal area. The property was made part of the Google development which cancelled the need for the rebate after Fiscal Year 2008/2009.</p> <p>The indebtedness at the time the agreement was signed was estimated to be \$1,312,000.</p> <p>In FY2007, Ahlers & Cooney PC was hired to by the Community Development to assist with amending the urban renewal area. Total costs came to \$15,327 and was paid using Manawa Business Park TIF funds.</p> <p>The final payment to the Developer is \$377,673 and to Ahlers & Cooney PC is \$15,327, totally \$393,000. This action does require Council approval and a resolution has been prepared.</p>		
Recommendation		
Council approval of the resolution authorizing Appropriating of Funds, Certification of Debt, and Direct filing of Certification to the County Auditor for Manawa Business Park Urban Renewal Area.		

Department Head Signature

4/E

Mayor Signature

(This Notice to be posted)

NOTICE AND CALL OF PUBLIC MEETING

RESOLUTION NO. 08-336

Governmental Body: The City Council of Council Bluffs, Iowa.
Date of Meeting: November 10, 2008.
Time of Meeting: 7 o'clock P.M.
Place of Meeting: Council Chambers, City Hall, 209 Pearl Street,
 Council Bluffs, Iowa.

PUBLIC NOTICE IS HEREBY GIVEN that the above mentioned governmental body will meet at the date, time and place above set out. The tentative agenda for said meeting is as follows:

- Resolution Approving Debt Certification Forms, Appropriating Funds and Directing Filing of the Certifications for Manawa Business Park Urban Renewal Area.

Such additional matters as are set forth on the additional _____ page(s) attached hereto.
(number)

This notice is given at the direction of the Mayor pursuant to Chapter 21, Code of Iowa, and the local rules of said governmental body.

Judith H. Ridgeley, City Clerk

November 10, 2008

The City Council of Council Bluffs, Iowa, met in regular session, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at 7 o'clock P.M., on the above date. There were present Mayor Thomas P. Hanafan, in the chair, and the following named Council Members:

Absent: _____

* * * * *

Council Member _____ introduced the following Resolution entitled "RESOLUTION APPROVING DEBT CERTIFICATION FORMS, APPROPRIATING FUNDS AND DIRECTING FILING OF THE CERTIFICATIONS TO THE COUNTY AUDITOR FOR THE MANAWA BUSINESS PARK URBAN RENEWAL AREA" and moved its adoption. Council Member _____ seconded the motion to adopt. The roll was called and the vote was,

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the following Resolution 08-336 duly adopted:

RESOLUTION 08-336

RESOLUTION APPROVING DEBT CERTIFICATION FORMS, APPROPRIATING FUNDS AND DIRECTING FILING OF THE CERTIFICATIONS TO THE COUNTY AUDITOR FOR THE MANAWA BUSINESS PARK URBAN RENEWAL AREA.

WHEREAS, Iowa Code Section 403.19 requires that Cities certify all loans, advances, indebtedness and bonds for which the City seeks reimbursement on or before December 1.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA:

Section 1. That the City Council of Council Bluffs, Iowa approves the debt certification forms attached hereto as Exhibit A, appropriates the funds listed therein, and directs that the City Clerk, Finance Director and other City officials file said debt certificate with the Pottawattamie County Auditor(s) on or before December 1, 2008.

Section 2. Certify as debt and authorizes payment of Ahlers & Cooney PC Invoice 544129 totaling \$15,327 for work completed on amending the Manawa Business Park Urban Renewal Area.

Section 3. The maximum rebate payment to the Developer in FY2008/2009 is \$377,673.

PASSED AND APPROVED, this 10th day of November, 2008.

Thomas P. Hanafan, Mayor

ATTEST:

Judith H. Ridgeley, City Clerk

-4-

	712-328-4605
Signature of Authorized Official	Telephone

Council Bluffs City Council

County Certification December 1, 2008
To be collected In FY09/10

TIF Fund	Name	Internal Funding Source	Type	Outstanding Indebtedness July 2008	Estimated FY09 Payments	Change In Indebtedness	Estimated FY09/10 Request Amount	Percentage
126	<u>Madison-Lindberg</u>		Grant	152,501	30,000		40,000	100%
127	<u>Mid American Convention Center</u>							
	Debt Service 2001-01 Series	N200	Internal Loan	4,538,338	1,466,013		1,479,213	
	Gaming	G121	Internal Loan	2,533,648	-		358,683	
	Debt Service	N200	Internal Loan	745,884	525,775		142,341	
	Bass Pro	Annual Appro.		788,000	788,000	788,000	788,000	
	Iowa West Foundation		Rebate	9,900,000	-			
				18,505,870	2,779,788	788,000	2,768,237	
128	<u>S 24th/S. Omaha Bridge</u>		Grant	883,710	110,000	-	95,000	to pay down fund balance
129	<u>Manawa Business Park</u>		Rebate	393,000	393,000	No Certification at this time		
130	<u>Bennett Ave</u>		Grant	262,259	255,000	-	24,000	Estimated ending balance
131	<u>West Broadway</u>							
	Fred Hill		Grant	44,182	44,182		166,121	
	Debt Service 2008 Series	N200	Internal Loan	471,396	13,121	471,396	3,350	
	PottCity Development FY09			3,350	3,350	306,000	20,000	
	S 25th Street	X301 CIP 08-10	Internal Loan	306,000	34,000	780,746	189,471	
				824,928	94,653			
132	<u>Original 1983 Urban Renewal Area</u>							
	1892 Builing		Grant	144,380	24,000		24,000	
	Ervin Building		Grant	175,641	44,000			
	LaBounty		Grant	40,000	20,000		20,000	
	Porter		Grant	50,000	25,000		25,000	
	Nonpariel	Annual Appro.	Grant	429,315	-	429,315	35,776	
				839,336	113,000	429,315	104,776	
134	<u>Featherstone</u>							
	NuStyle Development		Grant	125,050	62,000	-	70,000	
135	<u>Metro Crossing</u>							
	Debt Service 2007B Interest FY09	N200	Internal Loan	81,450	81,450	81,450		
	Debt Service 2007B Interest FY08	N200	Internal Loan	88,238		88,238	52,281	
	Debt Service 2007B	N200	Internal Loan	2,680,095	-	2,680,095	236,450	

Council Bluffs City Council

County Certification December 1, 2008
To be collected in FY09/10

TIF Fund	Name	Internal Funding Source	Type	Outstanding Indebtedness July 2008	Estimated FY09 Payments	Change In Indebtedness	Amount	Percentage
	Public Wks Pump Station	P614	Internal Loan	217,580	-	217,580	217,580	
	Metro Crossing LLP		Rebate	7,300,000	-	7,300,000	16,507	
				<u>10,367,363</u>	<u>81,450</u>	<u>10,367,363</u>	<u>522,818</u>	100%
136 Playland Park								
	River Park Apartments LLC		Rebate	2,761,291	61,000	2,761,291	163,577	
	Maintenance Facility Lease FY07	Z301 Proj 234	Internal Loan	19,690		19,690		
	FY08	Z301 Proj 234	Internal Loan	39,380		39,380		
	FY09	Z301 Proj 234	Internal Loan	98,450	39,380	98,450	39,380	
	Facility Construction Cost Overrun	Z301 Proj 234	Internal Loan	53,396		53,396	53,396	
	Park Land			644,300	-			
	Construction Fund Reimbursement			112,466				
	Property Tax on Maint Facility	Z301 Proj 234	Internal Loan	102,830	32,830	102,830	32,830	
	Series 2010 GO Bonds			-	-			
				<u>3,831,803</u>	<u>133,210</u>	<u>3,075,037</u>	<u>289,183</u>	100%
Market Place								
	Market Place Development LLC		Grant	5,500,000	-	5,500,000	234,315	100%
Hawkeve Heights								
	Council Bluffs Retirement LLC		Grant	1,007,716		1,007,716	93,109	100%
South Main								
	Prime Development		Grant	63,000	-	63,000	6,708	100%
	CBIA LLC		Rebate	504,385	-	504,385	44,720	100%
				<u>567,385</u>	<u>-</u>	<u>567,385</u>	<u>51,428</u>	

Council Communication
October 27, 2008 City Council Meeting

Department: Finance	Ordinance No. Resolution No. <u>08-337</u>	Date: <u>November 10, 2008</u>
Subject/Title		
Authorizations for the annual grant appropriation, Certification of Debt, and directing the filing of the certification report with the County for the Bennett Avenue Urban Renewal Area.		
Background/Discussion		
<u>Background</u> According to Iowa Code Section 403.19, a City shall certify to the County Auditor on or before December 1, the amount of loans, indebtedness, or bonds which qualify for payment from a Tax Increment Financing (TIF) district for each established urban renewal area. This certification provides for the division of taxes collected attributable to specific projects.		
<u>Discussion</u> The Bennett Avenue Urban Renewal Areas was established by Resolution 97-267 on October 13, 1997 and the TIF district was established by Ordinance 5362 on February 9, 1998. A development agreement was signed with KLW Construction Company on May 6, 1998 providing for a 100% grant of the total tax increment attributable to the Property at 8.5% interest to be repaid only with tax incremental revenue contingent upon completion of certain duties and responsibilities. The indebtedness at the time the agreement was signed was \$1,100,000. Based on 2007 taxable values, the grant payment to the Developer in FY2008/2009 would be \$255,000. This action does require Council approval and a resolution has been prepared.		
Recommendation		
Council approval of the resolution authorizing grant appropriation, Certification of Debt, and directing the filing of Certification to the County Auditor for the Bennett Avenue Urban Renewal Area.		

Department Head Signature

4F


Mayor Signature

City: Council Bluffs County: Pottawattamie

Urban Renewal Area Number: 78004 (Use five-digit Area Number Assigned by the County Auditor)

Provide sufficient detail so that the County Auditor will know how to specifically administer your request. For example you may have multiple indebtedness certifications in an Urban Renewal Area, and want the maximum revenue for rebate agreement property that the County has segregated into separate taxing districts, but only want a portion of the available increment from the remainder of the taxing districts in the Area.

Dated this 10th day of November, 2008

Signature of Authorized Official _____ 712-328-4605
Telephone _____

(This Notice to be posted)

NOTICE AND CALL OF PUBLIC MEETING

RESOLUTION 08-337

Governmental Body: The City Council of Council Bluffs, Iowa.

Date of Meeting: October 27, 2008.

Time of Meeting: 7 o'clock P.M.

Place of Meeting: Council Chambers, City Hall, 209 Pearl Street,
Council Bluffs, Iowa.

PUBLIC NOTICE IS HEREBY GIVEN that the above mentioned governmental body will meet at the date, time and place above set out. The tentative agenda for said meeting is as follows:

- Resolution Approving Debt Certification Forms, Appropriating Funds and Directing Filing of the Certifications for the Bennett Avenue Urban Renewal Area.

Such additional matters as are set forth on the additional _____ page(s) attached hereto.
(number)

This notice is given at the direction of the Mayor pursuant to Chapter 21, Code of Iowa, and the local rules of said governmental body.

Judith H. Ridgeley, City Clerk

November 10, 2008

The City Council of Council Bluffs, Iowa, met in regular session, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at 7 o'clock P. M., on the above date. There were present Mayor Thomas P. Hanafan, in the chair, and the following named Council Members:

Absent: _____

* * * * *

Council Member _____ introduced the following Resolution entitled "RESOLUTION APPROVING DEBT CERTIFICATION FORMS, APPROPRIATING FUNDS AND DIRECTING FILING OF THE CERTIFICATIONS TO THE COUNTY AUDITOR FOR THE BENNETT AVENUE URBAN RENEWAL AREA" and moved its adoption. Council Member _____ seconded the motion to adopt. The roll was called and the vote was,

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the following Resolution duly adopted:

RESOLUTION APPROVING DEBT CERTIFICATION
FORMS, APPROPRIATING FUNDS AND DIRECTING
FILING OF THE CERTIFICATIONS TO THE COUNTY
AUDITOR FOR THE BENNETT AVENUE URBAN
RENEWAL AREA.

WHEREAS, Iowa Code Section 403.19 requires that Cities certify all loans, advances indebtedness and bonds for which the City seeks reimbursement on or before December 1.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA:

Section 1. That the City Council of Council Bluffs, Iowa approves the debt certification forms attached hereto as Exhibit A, appropriates the funds listed therein, and directs that the City Clerk, Finance Director and other City officials file said debt certificate with the Pottawattamie County Auditor(s) on or before December 1, 2008.

Section 2. Based on 2007 taxable values, the maximum grant payment to the Developer in FY2008/2009 would be \$255,000.

PASSED AND APPROVED, this 10th day of November, 2008.

Thomas P. Hanafan, Mayor

ATTEST:

Judith H. Ridgeley, City Clerk

CERTIFICATE

STATE OF IOWA)
) SS
COUNTIES OF POTTAWATTIANE)

I, the undersigned City Clerk of Council Bluffs, Iowa, do hereby certify that attached is a true and complete copy of the portion of the corporate records of said Municipality showing proceedings of the Council, and the same is a true and complete copy of the action taken by said Council with respect to said matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Council and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Council (a copy of the face sheet of said agenda being attached hereto) pursuant to the local rules of the Council and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by said law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective city offices as indicated therein, that no Council vacancy existed except as may be stated in said proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of said Municipality hereto affixed this _____
day of _____, 2008.

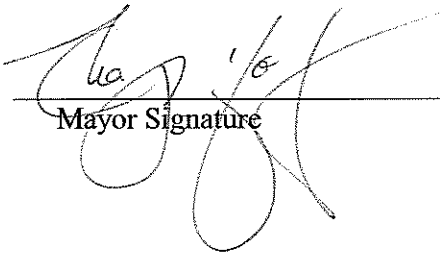
Judith H. Ridgeley, City Clerk

SEAL

Council Communication
November 10, 2008 City Council Meeting

Department: Finance	Ordinance No. Resolution No. <u>08-338</u>	Date: <u>November 10, 2008</u>
Subject/Title		
Approving the Certification of Debt forms and directing the filing of the certification report with the County for the Hawkeye Heights Urban Renewal Area.		
Background/Discussion		
<u>Background</u> According to Iowa Code Section 403.19, a City shall certify to the County Auditor on or before December 1, the amount of loans, indebtedness, or bonds which qualify for payment from a Tax Increment Financing (TIF) district for each established urban renewal area. This certification provides for the division of taxes collected attributable to specific projects.		
<u>Discussion</u> The Hawkeye Heights Urban Renewal Area was established by Resolution 07-57 on February 26, 2007 and the TIF district was established by Ordinance 5922 on March 26, 2007. A development agreement was signed with Council Bluffs Retirement, LLC on March 12, 2007. It provided for a 50% grant of the total tax increment attributable to the Property at 0% interest to be repaid only with tax incremental revenue contingent upon completion of certain duties and responsibilities. On August 25, 2008, the development agreement was amended by Resolution 08-249 that changed the language in Section 4.7 "Annual Certification" and Section 6.1a "Council Bluffs Retirement Project". In Section 6.1a, the first year grant percentage was changed to 65% of the total tax increment collected from 50%. The indebtedness at the time the agreement was signed was \$1,007,716. This action does require Council approval and a resolution has been prepared.		
Recommendation		
Council approval of the resolution authorizing Certification of Debt and directing the filing of Certification to the County Auditor for the Hawkeye Heights Urban Renewal Area.		

Department Head Signature



Mayor Signature

46

TIF INDEBTEDNESS NOT PREVIOUSLY CERTIFIED ELIGIBLE FOR TAX COLLECTIONS NEXT FISCAL YEARCity: Council Bluffs County: PottawattamieUrban Renewal Area Name: Hawkeye HeightsUrban Renewal Area Number: 00000 (Use five-digit Area Number Assigned by the County Auditor)

Individual TIF Indebtedness Type/Description/Details:	Date Approved*:	Total Amount:
1. July 1, 2009 projected net balance of not previously certified amount.		0
<input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above.		
2. Grant with Council Bluffs Retirement LLC was signed on March 12, 2007.	11-10-2008	94,000
The estimated indebtedness of all grant payments is \$1,007,716.		
This grant requires an annual appropriation of the grant payment to the Developer.		
<input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above.		
3.		
<input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above.		
4.		
<input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above.		
5.		
<input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above.		

If more indebtedness entry lines are needed continue to Form 1.1 Page 2.

Total For City TIF Form 1.1 Page 1: 94,000

* "Date Approved" is the date that the local governing body initially approved the TIF indebtedness.

(This Notice to be posted)

NOTICE AND CALL OF PUBLIC MEETING

RESOLUTION NO. 08-338

Governmental Body: The City Council of Council Bluffs, Iowa.

Date of Meeting: November 10, 2008.

Time of Meeting: 7 o'clock P.M.

Place of Meeting: Council Chambers, City Hall, 209 Pearl Street,
Council Bluffs, Iowa.

PUBLIC NOTICE IS HEREBY GIVEN that the above mentioned governmental body will meet at the date, time and place above set out. The tentative agenda for said meeting is as follows:

- Resolution Approving Debt Certification Forms and Directing Filing of Certifications for the Hawkeye Heights Urban Renewal Area.

Such additional matters as are set forth on the additional _____ page(s) attached hereto.
(number)

This notice is given at the direction of the Mayor pursuant to Chapter 21, Code of Iowa, and the local rules of said governmental body.

Judith H. Ridgeley, City Clerk

_____, 2008

The City Council of Council Bluffs, Iowa, met in regular session, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at 7 o'clock P. M., on the above date. There were present Mayor Thomas P. Hanafan, in the chair, and the following named Council Members:

Absent: _____

* * * * *

Council Member _____ introduced the following Resolution entitled "RESOLUTION APPROVING DEBT CERTIFICATION FORMS AND DIRECTING FILING OF THE CERTIFICATIONS TO THE COUNTY AUDITOR FOR THE HAWKEYE HEIGHTS URBAN RENEWAL AREA" and moved its adoption. Council Member _____ seconded the motion to adopt. The roll was called and the vote was,

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the following Resolution 08-338 duly adopted:

RESOLUTION NO. 08-338

RESOLUTION APPROVING DEBT CERTIFICATION FORMS, APPROPRIATING FUNDS AND DIRECTING FILING OF THE CERTIFICATIONS TO THE COUNTY AUDITOR FOR THE HAWKEYE HEIGHTS URBAN RENEWAL AREA.

WHEREAS, Iowa Code Section 403.19 requires that Cities certify all loans, advances indebtedness and bonds for which the City seeks reimbursement on or before December 1.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA:

Section 1. That the City Council of Council Bluffs, Iowa approves the debt certification forms attached hereto as Exhibit A and directs that the City Clerk, Finance Director and other City officials file said debt certificate with the Pottawattamie County Auditor(s) on or before December 1, 2008.

PASSED AND APPROVED, this 10th day of November, 2008.

Thomas P. Hanafan, Mayor

ATTEST:

Judith H. Ridgeley, City Clerk

CERTIFICATE

STATE OF IOWA)
) SS
COUNTIES OF POTTAWATTIANE)

I, the undersigned City Clerk of Council Bluffs, Iowa, do hereby certify that attached is a true and complete copy of the portion of the corporate records of said Municipality showing proceedings of the Council, and the same is a true and complete copy of the action taken by said Council with respect to said matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Council and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Council (a copy of the face sheet of said agenda being attached hereto) pursuant to the local rules of the Council and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by said law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective city offices as indicated therein, that no Council vacancy existed except as may be stated in said proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of said Municipality hereto affixed this _____ day of _____, 2008.

Judith H. Ridgeley, City Clerk

SEAL

Council Communication
November 10, 2008 City Council Meeting

Department: Finance	Ordinance No. Resolution No. <u>08-339</u>	Date: <u>November 10, 2008</u>
Subject/Title		
Authorizations for the appropriation of funds, Approving an Advance of Funds, Certification of Debt, and directing the filing of the certification report with the County for the Mid-America Center Urban Renewal Area.		
Background/Discussion		
<u>Background</u> According to Iowa Code Section 403.19, a City shall certify to the County Auditor on or before December 1, the amount of loans, indebtedness, or bonds which qualify for payment from a Tax Increment Financing (TIF) district for each established urban renewal area. This certification provides for the division of taxes collected attributable to specific projects.		
<u>Discussion</u> The Mid American Convention Center Urban Renewal Areas was established by Resolution 01-140 on May 21, 2001 and the TIF district was established by Ordinance 5607 on June 25, 2001.		
Mid America Recreation & Convention Complex On July 24, 2001, a development agreement was signed between the City of Council Bluffs (City), Council Bluffs Community Betterment Foundation (CBF), Iowa West Foundation (Iowa West), Southwest Iowa Foundation (SWIF), and Harvey's Casino Resorts (Harvey's) for the development of the MARCC. The City's obligation under the agreement was to install necessary public infrastructure and to rebate monies advanced by Iowa West to assist in the development of the property up to \$9,900,000 at 0% interest.		
Debt Service (Go Bond Series 01-1) The \$8,700,000 in 2001-1 Series General Obligation Bonds was issued to finance the City's infrastructure obligations under the MARCC development agreement. The bonds were to be repaid using tax incremental revenue from the urban renewal area, together with interest at 3.50-4.12%. The indebtedness at the time the agreement was signed was estimated to be \$10,179,903.		
Gaming In FY04/05, the City transferred \$1,313,648 of Gaming Funds to the Debt Service Fund to pay all the annual debt for the MAC projects. In FY05/06, the City transferred \$620,000 of Gaming Funds to the Debt Service Fund to pay a portion of the annual debt for the MAC projects. In FY06/07, the City transferred \$600,000 of Gaming Funds to the Debt Service Fund to pay a portion of the annual debt for the MAC projects. The monies were intended to be an internal loan from Gaming to the TIF fund with the funds being repaid using tax incremental revenue from the urban renewal area. The indebtedness of the internal loan is \$2,533,648.		
Debt Service		

In FY05/06, \$456,862 of Debt Service Fund was used to cover the remaining balance of the annual debt for the MAC projects. In FY06/07, \$489,023 of Debt Service Fund was used to cover the remaining balance of the annual debt for the MAC projects. The monies were intended to be an internal loan from Debt Service to the TIF fund with the funds being repaid using tax incremental revenue from the urban renewal area. The indebtedness of the internal loan is \$945,885.

Bass Pro

On November 22, 2004, an economic development agreement between the City of Council Bluffs, Southwest Iowa Foundation, Iowa West Foundation and the Council Bluffs Community Betterment Foundation was signed for assistance in the development of a major commercial enterprise to be located within the MAC Urban Renewal Area. Starting December 2005, the City would annually appropriate funds to the Bass Pro Trustee to retire the Notes as set forth in the agreement. The City shall have no obligation to fund payments due under the Notes in any manner whatsoever from any specific source. The annual appropriation for FY08/09 is \$787,458.

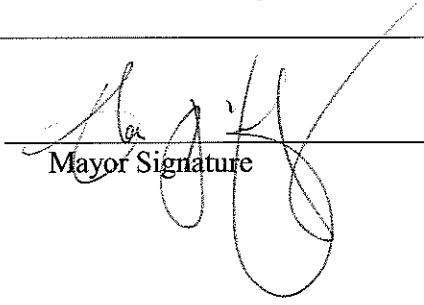
The indebtedness at the time the agreements were signed is estimated to be \$21,243,000.

For FY08/09, the MAC TIF would transfer \$525,775 towards the internal loan from Debt Service, transfer \$1,466,013 to Debt Service for the 2001-1 bond payment, and make a total payment of \$787,457.58 to Bass Pro Trustee, totaling \$2,779,245.58. This action does require Council approval and a resolution has been prepared.

Recommendation

Council approval of the resolution authorizing appropriation of funds, approving an advance of funds, Certification of Debt, and directing the filing of the Certification to the County Auditor for the Mid-America Center Urban Renewal Area.

Department Head Signature



Mayor Signature

(This Notice to be posted)

NOTICE AND CALL OF PUBLIC MEETING

RESOLUTION 08-339

Governmental Body: The City Council of Council Bluffs, Iowa.

Date of Meeting: November 10, 2008.

Time of Meeting: 7 o'clock P.M.

Place of Meeting: Council Chambers, City Hall, 209 Pearl Street,
Council Bluffs, Iowa.

PUBLIC NOTICE IS HEREBY GIVEN that the above mentioned governmental body will meet at the date, time and place above set out. The tentative agenda for said meeting is as follows:

- Resolution Approving Debt Certification Forms, Approving an Advance of Funds, Appropriating Funds, and Directing Filing of the Certifications for Mid-America Center Urban Renewal Area.

Such additional matters as are set forth on the additional _____ page(s) attached hereto.
(number)

This notice is given at the direction of the Mayor pursuant to Chapter 21, Code of Iowa, and the local rules of said governmental body.

Judith H. Ridgeley, City Clerk

November 10, 2008

The City Council of Council Bluffs, Iowa, met in regular session, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at 7 o'clock P. M., on the above date. There were present Mayor Thomas P. Hanafan, in the chair, and the following named Council Members:

Absent: _____

* * * * *

Council Member _____ introduced the following Resolution entitled "RESOLUTION APPROVING DEBT CERTIFICATION FORMS, APPROVING AN ADVANCE OF FUNDS FOR REPAYMENT, APPROPRIATING FUNDS, and AND DIRECTING FILING OF THE CERTIFICATIONS TO THE COUNTY AUDITOR FOR THE MID-AMERICA CENTER URBAN RENEWAL AREA UNDER IOWA CODE SECTION 403.19" and moved its adoption. Council Member _____ seconded the motion to adopt. The roll was called and the vote was,

AYES: _____

NAYS: _____

RESOLUTION NO. 08-339

RESOLUTION APPROVING DEBT CERTIFICATION FORMS, APPROVING AN ADVANCE OF FUNDS FOR REPAYMENT, APPROPRIATING FUNDS, AND DIRECTING FILING OF THE CERTIFICATIONS TO THE COUNTY AUDITOR FOR THE MID-AMERICA CENTER URBAN RENEWAL AREA UNDER IOWA CODE SECTION 403.19.

WHEREAS, the City of Council Bluffs, Iowa has established the Mid-America Center Urban Renewal Area (the "Urban Renewal Area") and is undertaking certain projects within the Urban Renewal Area (the "Project"); and

WHEREAS, it is the intention of the City to certify the amount of funds so advanced for reimbursement under Iowa Code Section 403.19; and

NOW, THEREFORE, IT IS RESOLVED by the City Council of the City of Council Bluffs, Iowa, as follows:

Section 1. Pursuant to Ordinance there has been established the Mid-America Center Urban Renewal Area Tax Increment Revenue Fund (the "Tax Increment Fund"), into

which all incremental property tax revenues received from the Mid-America Center Urban Renewal Area are deposited. The Council finds the Project to be an Urban Renewal Project as defined in Iowa Code Chapter 403, and further approves an advance of City funds for said Project.

Section 2. It is hereby directed that up to \$8,700,00 from the GO Bond Series 2001 be advanced from the Debt Service Fund to the Mid-America Center Urban Renewal Area Tax Increment Fund in order to pay the costs of the Project. The advance shall be treated as an internal loan (the "Loan ") to the MACC 01-1 Tax Increment Fund and shall be repaid to the Debt Service Fund, together with interest at a rate of 3.50-4.12%. The loan may be repaid from a financing authorized for such purpose, or from future incremental tax revenues.

Section 3. It is hereby directed that \$1,313,648 advanced in FY05, \$620,000 advanced in FY06, and \$600,000 advanced in FY07 be advanced from the Gaming Fund to the Mid-America Center Urban Renewal Area Tax Increment Fund in order to pay the costs of the Project. The advance shall be treated as an internal loan (the "Loan ") to the Mid-America Center Tax Increment Fund and shall be repaid to the Debt Service Fund. The loan may be repaid from a financing authorized for such purpose, or from future incremental tax revenues.

Section 4. It is hereby directed that \$456,862 advanced in FY06 and \$489,023 advanced in FY07 be advanced from the Debt Service Fund to the Mid-America Center Urban Renewal Area Tax Increment Fund in order to pay the costs of the Project. The advance shall be treated as an internal loan (the "Loan ") to the Mid-America Center Tax Increment Fund and shall be repaid to the Debt Service Fund. The loan may be repaid from a financing authorized for such purpose, or from future incremental tax revenues.

Section 5. Certify as debt and authorize payment up to \$787,458 to the Bass Pro Trust Account per the economic development agreement with Council Bluffs Community Betterment Foundation, Iowa West Foundation, Southwest Iowa Foundation and First National Bank of Omaha. The payment may be repaid from a financing authorized for such purpose, or from future incremental tax revenues.

Section 6. Certify as debt the City's Obligation under the Development Agreement to rebate up to \$9,900,000 of the monies advanced by Iowa West Foundation. The rebate can only be abated from future incremental tax revenues generated by Mid-America Center Urban Renewal Area.

Section 7. That the City Council of Council Bluffs, Iowa approves the debt certification forms attached hereto as Exhibit A, appropriates the funds listed therein, advance of funds for repayment, and directs that the City Clerk, Finance Director and other City officials file said debt certificate with the Pottawattamie County Auditor(s) on or before December 1, 2008.

Section 8. The maximum grant and internal loan payments for FY2008/2009 would be \$2,779,788.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF
COUNCIL BLUFFS, IOWA, this 10th day of November, 2008.

Thomas P. Hanafan, Mayor

ATTEST:

Judith H. Ridgeley, City Clerk

CERTIFICATE

STATE OF IOWA)
) SS
COUNTY OF POTTAWATTAMIE)

I, the undersigned City Clerk of Council Bluffs, Iowa, do hereby certify that attached is a true and complete copy of the portion of the corporate records of said Municipality showing proceedings of the Council, and the same is a true and complete copy of the action taken by said Council with respect to said matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Council and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Council (a copy of the face sheet of said agenda being attached hereto) pursuant to the local rules of the Council and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by said law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective city offices as indicated therein, that no Council vacancy existed except as may be stated in said proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of said Municipality hereto affixed this _____
day of _____, 2008.

Judith H. Ridgeley, City Clerk

SEAL

CODE OF IOWA SECTION 403.19 TAX INCREMENT FINANCING (TIF) INDEBTEDNESS**CERTIFICATION TO COUNTY AUDITOR****Due To County Auditor By December 1 Prior To The Fiscal Year TIF Increment Revenue Is Requested****Use One Certification Per Urban Renewal Area**City: Council BluffsCounty: PottawattamieUrban Renewal Area Name: MARCC 2000Urban Renewal Area Number: 78030 (Use five-digit Area Number Assigned by the County Auditor)

I hereby certify to the County Auditor that for the Urban Renewal Area within the City and County named above the City has outstanding loans, advances, indebtedness, or bonds, none of which have been previously certified, in the collective amount shown below, all of which will qualify for payment from the special fund referred to in paragraph 2 of Section 403.19 of the Code of Iowa.

Urban Renewal Area Indebtedness Not Previously Certified*: \$ 788,000

*There must be attached a supporting itemized listing of the dates that individual loans, advances, indebtedness, or bonds were initially approved by the governing body. (Complete and attach 'CITY TIF FORM 1.1'.)

The County Auditor shall provide the available TIF increment tax revenue in subsequent fiscal years without further certification until the above-stated amount of indebtedness is paid to the special TIF fund of City. However, for any fiscal year a City may elect to receive less than the available TIF increment tax revenue by certifying the requested amount to the County Auditor on or before the preceding December 1. (File 'CITY TIF FORM 2' with the County Auditor by the preceding December 1 for each of those fiscal years where all of the TIF increment tax revenue is not requested.)

A City reducing certified TIF indebtedness by any reason other than application of TIF increment tax revenue received from the County Treasurer shall certify such reduced amounts to the County Auditor no later than December 1 of the year of occurrence. (File 'CITY TIF FORM 3' with the County Auditor when TIF indebtedness has been reduced by any reason other than application of TIF increment tax revenue received from the County Treasurer.)

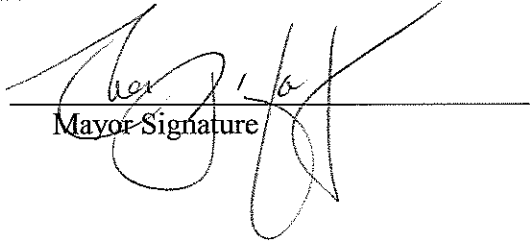
Notes/Additional Information:

Dated this 10th day of November, 2008_____
Signature of Authorized Official712-328-4605
Telephone

Council Communication
November 10, 2008 City Council Meeting

Department: Finance	Ordinance No. Resolution No. <u>08-340</u>	Date: <u>November 10, 2008</u>
Subject/Title		
Authorizations for the Certification of Debt and directing the filing of the certification report with the County for the South Main Urban Renewal Area.		
Background/Discussion		
<p><u>Background</u></p> <p>According to Iowa Code Section 403.19, a City shall certify to the County Auditor on or before December 1, the amount of loans, indebtedness, or bonds which qualify for payment from a Tax Increment Financing (TIF) district for each established urban renewal area. This certification provides for the division of taxes collected attributable to specific projects.</p> <p><u>Discussion</u></p> <p>The South Main Urban Renewal Areas was established by Resolution 98-155 on June 22, 1998 and the TIF district was established by Ordinance 5889 on June 26, 2006. Two development agreements were signed: one with CBIA-LLP and the other with Prime Development, LLC. The development agreement with CBIA-LLP provides for a 60% rebate of the total tax increment attributable to the Property at 0% interest to be repaid only with tax incremental revenue contingent upon completion of certain duties and responsibilities. The development agreement with Prime Development, LLC provides for a 60% grant of the total tax increment attributable to the Commercial Property at 0% interest to be repaid only with tax incremental revenue contingent upon completion of certain duties and responsibilities. On October 24, 2005, Resolution 05-290 amended the development agreement with CBIA-LLP setting the maximum rebate at \$504,385.</p> <p>The indebtedness at the time the agreements were signed is \$504,385 to CBIA-LLP and \$63,000 to Prime Development, LLC, totaling \$567,385</p> <p>.This action does require Council approval and a resolution has been prepared.</p>		
Recommendation		
Council approval of the resolution for the Certification of Debt and directing the filing of Certification to the County Auditor for the South Main Urban Renewal Area.		

Department Head Signature



Mayor Signature

4 I

**CODE OF IOWA SECTION 403.19 TAX INCREMENT FINANCING (TIF) INDEBTEDNESS
CERTIFICATION TO COUNTY AUDITOR**

**Due To County Auditor By December 1 Prior To The Fiscal Year TIF Increment Revenue Is Requested
Use One Certification Per Urban Renewal Area**

City: Council BluffsCounty: PottawattamieUrban Renewal Area Name: South Main

Urban Renewal Area Number: _____ (Use five-digit Area Number Assigned by the County Auditor)

I hereby certify to the County Auditor that for the Urban Renewal Area within the City and County named above the City has outstanding loans, advances, indebtedness, or bonds, none of which have been previously certified, in the collective amount shown below, all of which will qualify for payment from the special fund referred to in paragraph 2 of Section 403.19 of the Code of Iowa.

Urban Renewal Area Indebtedness Not Previously Certified*:

\$ 567,385

*There must be attached a supporting itemized listing of the dates that individual loans, advances, indebtedness, or bonds were initially approved by the governing body. (Complete and attach 'CITY TIF FORM 1.1'.)

The County Auditor shall provide the available TIF increment tax revenue in subsequent fiscal years without further certification until the above-stated amount of indebtedness is paid to the special TIF fund of City. However, for any fiscal year a City may elect to receive less than the available TIF increment tax revenue by certifying the requested amount to the County Auditor on or before the preceding December 1. (File 'CITY TIF FORM 2' with the County Auditor by the preceding December 1 for each of those fiscal years where all of the TIF increment tax revenue is not requested.)

A City reducing certified TIF indebtedness by any reason other than application of TIF increment tax revenue received from the County Treasurer shall certify such reduced amounts to the County Auditor no later than December 1 of the year of occurrence. (File 'CITY TIF FORM 3' with the County Auditor when TIF indebtedness has been reduced by any reason other than application of TIF increment tax revenue received from the County Treasurer.)

Notes/Additional Information:

Dated this 10th day of November, 2008_____
Signature of Authorized Official712-328-4605
Telephone

(This Notice to be posted)

NOTICE AND CALL OF PUBLIC MEETING

RESOLUTION NO. 08-340

Governmental Body: The City Council of Council Bluffs, Iowa.
Date of Meeting: November 10, 2008.
Time of Meeting: 7 o'clock P.M.
Place of Meeting: Council Chambers, City Hall, 209 Pearl Street,
 Council Bluffs, Iowa.

PUBLIC NOTICE IS HEREBY GIVEN that the above mentioned governmental body will meet at the date, time and place above set out. The tentative agenda for said meeting is as follows:

- Resolution Approving the Debt Certification Forms and Directing Filing of the Certifications for South Main Urban Renewal Area.

Such additional matters as are set forth on the additional _____ page(s) attached hereto.
(number)

This notice is given at the direction of the Mayor pursuant to Chapter 21, Code of Iowa, and the local rules of said governmental body.

Judith H. Ridgeley, City Clerk

November 10, 2008

The City Council of Council Bluffs, Iowa, met in regular session, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at 7 o'clock P. M., on the above date. There were present Mayor Thomas P. Hanafan, in the chair, and the following named Council Members:

Absent: _____

* * * * *

Council Member _____ introduced the following Resolution entitled "RESOLUTION APPROVING THE DEBT CERTIFICATION FORMS AND DIRECTING FILING OF THE CERTIFICATIONS TO THE COUNTY AUDITOR FOR THE SOUTH MAIN URBAN RENEWAL AREA" and moved its adoption. Council Member _____ seconded the motion to adopt. The roll was called and the vote was,

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the following Resolution 08-340 duly adopted:

Resolution No. 08-340

RESOLUTION APPROVING THE DEBT
CERTIFICATION FORMS AND DIRECTING FILING OF
THE CERTIFICATIONS TO THE COUNTY AUDITOR
FOR THE SOUTH MAIN URBAN RENEWAL AREA.

WHEREAS, Iowa Code Section 403.19 requires that Cities certify all loans, advances indebtedness and bonds for which the City seeks reimbursement on or before December 1.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA:

Section 1. That the City Council of Council Bluffs, Iowa approves the debt certification forms attached hereto as Exhibit A and directs that the City Clerk, Finance Director and other City officials file said debt certificate with the Pottawattamie County Auditor(s) on or before December 1, 2008.

PASSED AND APPROVED, this 10th day of November, 2008.

Thomas P. Hanafan, Mayor

ATTEST:

Judith H. Ridgeley, City Clerk

CERTIFICATE

STATE OF IOWA)
) SS
COUNTIES OF POTTAWATTIANE)

I, the undersigned City Clerk of Council Bluffs, Iowa, do hereby certify that attached is a true and complete copy of the portion of the corporate records of said Municipality showing proceedings of the Council, and the same is a true and complete copy of the action taken by said Council with respect to said matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Council and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Council (a copy of the face sheet of said agenda being attached hereto) pursuant to the local rules of the Council and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by said law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective city offices as indicated therein, that no Council vacancy existed except as may be stated in said proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of said Municipality hereto affixed this _____
day of _____, 2008.

Judith H. Ridgeley, City Clerk

SEAL

Council Communication
November 10, 2008 City Council Meeting

Department: Finance	Ordinance No. Resolution No. <u>08-341</u>	Date: <u>November 10, 2008</u>
Subject/Title		
Approving the Certification of Debt and directing the filing of the certification report with the County for the Marketplace Urban Renewal Area.		
Background/Discussion		
<p><u>Background</u></p> <p>According to Iowa Code Section 403.19, a City shall certify to the County Auditor on or before December 1, the amount of loans, indebtedness, or bonds which qualify for payment from a Tax Increment Financing (TIF) district for each established urban renewal area. This certification provides for the division of taxes collected attributable to specific projects.</p> <p><u>Discussion</u></p> <p>The Marketplace Urban Renewal Areas was established by Resolution 07-183 on April 23, 2007 and the TIF district was established by Ordinance 5941 on May 21, 2007. A development agreement was signed with Marketplace Development, LLC on June 18, 2007 providing for a 60% grant of the total tax increment attributable to the Property at 0% interest to be repaid only with tax incremental revenue contingent upon completion of certain duties and responsibilities.</p> <p>The total of all grant payment shall not exceed \$5,500,000 and requires an annual appropriation of funds.</p> <p>This action does require Council approval and a resolution has been prepared.</p>		
Recommendation		
Council approval of the resolution authorizing Certification of Debt and directing the filing of Certification to the County Auditor for the Marketplace Urban Renewal Area.		

Department Head Signature



Mayor Signature

45

TIF INDEBTEDNESS NOT PREVIOUSLY CERTIFIED ELIGIBLE FOR TAX COLLECTIONS NEXT FISCAL YEARCity: Council Bluffs County: PottawattamieUrban Renewal Area Name: MarketplaceUrban Renewal Area Number: 00000 (Use five-digit Area Number Assigned by the County Auditor)

Individual TIF Indebtedness Type/Description/Details:	Date Approved*:	Total Amount:
1. July 1, 2009 projected net balance of previously certified amount.	07-01-08 Net Balance	0
<input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above.		
2. Grant with Marketplace Development, LLC was signed on June 18, 2007.	11-10-2008	234,315
The total indebtedness of all grant payments shall not exceed \$5,500,000.		
This grant requires an annual appropriation of up to 60% of the tax increment revenue collected on the property.		
<input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above.		
3.		
<input checked="" type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above.		
4.		
<input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above.		
5.		
<input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above.		

If more indebtedness entry lines are needed continue to Form 1.1 Page 2.

Total For City TIF Form 1.1 Page 1: 234,315

* "Date Approved" is the date that the local governing body initially approved the TIF indebtedness.

(This Notice to be posted)

NOTICE AND CALL OF PUBLIC MEETING

RESOLUTION NO. 08-341

Governmental Body: The City Council of Council Bluffs, Iowa.
Date of Meeting: November 10, 2008.
Time of Meeting: 7 o'clock P.M.
Place of Meeting: Council Chambers, City Hall, 209 Pearl Street,
 Council Bluffs, Iowa.

PUBLIC NOTICE IS HEREBY GIVEN that the above mentioned governmental body will meet at the date, time and place above set out. The tentative agenda for said meeting is as follows:

- Resolution Approving the Debt Certification Forms and Directing Filing of the Certifications for Marketplace Urban Renewal Area.

Such additional matters as are set forth on the additional _____ page(s) attached hereto.
(number)

This notice is given at the direction of the Mayor pursuant to Chapter 21, Code of Iowa, and the local rules of said governmental body.

Judith H. Ridgeley, City Clerk

November 27, 2008

The City Council of Council Bluffs, Iowa, met in regular session, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at 7 o'clock P. M., on the above date. There were present Mayor Thomas P. Hanafan, in the chair, and the following named Council Members:

Absent: _____

* * * * *

Council Member _____ introduced the following Resolution entitled "RESOLUTION APPROVING THE DEBT CERTIFICATION FORMS AND DIRECTING FILING OF THE CERTIFICATIONS TO THE COUNTY AUDITOR FOR THE MARKETPLACE URBAN RENEWAL AREA" and moved its adoption. Council Member _____ seconded the motion to adopt. The roll was called and the vote was,

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the following Resolution duly adopted:

RESOLUTION APPROVING THE DEBT
CERTIFICATION FORMS AND DIRECTING FILING OF
THE CERTIFICATIONS TO THE COUNTY AUDITOR
FOR THE MARKETPLACE URBAN RENEWAL AREA.

WHEREAS, Iowa Code Section 403.19 requires that Cities certify all loans, advances indebtedness and bonds for which the City seeks reimbursement on or before December 1.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA:

Section 1. That the City Council of Council Bluffs, Iowa approves the debt certification forms attached hereto as Exhibit A, and directs that the City Clerk, Finance Director and other City officials file said debt certificate with the Pottawattamie County Auditor(s) on or before December 1, 2008.

PASSED AND APPROVED, this 10th day of November, 2008.

Thomas P. Hanafan, Mayor

ATTEST:

Judith H. Ridgeley, City Clerk

CERTIFICATE

STATE OF IOWA)
) SS
COUNTIES OF POTTAWATTIANE)

I, the undersigned City Clerk of Council Bluffs, Iowa, do hereby certify that attached is a true and complete copy of the portion of the corporate records of said Municipality showing proceedings of the Council, and the same is a true and complete copy of the action taken by said Council with respect to said matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Council and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Council (a copy of the face sheet of said agenda being attached hereto) pursuant to the local rules of the Council and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by said law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective city offices as indicated therein, that no Council vacancy existed except as may be stated in said proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of said Municipality hereto affixed this _____ day of _____, 2008.

Judith H. Ridgeley, City Clerk

SEAL